UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.97
19 April 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination
of Racial Discrimination

Rwanda

1. The Committee considered the eighth, ninth, tenth, eleventh and twelfth periodic reports of Rwanda, submitted as one document (CERD/C/335/Add.1), at its 1385th and 1386th meetings (CERD/C/SR.1385 and 1386), held on 14 and 15 March 2000. At its 1397th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral and written information provided by the delegation as a constructive response to the questions asked by the Committee members. The Committee also welcomes the opportunity thus offered to renew its dialogue with the State party within the framework of the regular reporting procedure.

3. The Committee notes that despite the long period which has elapsed since the examination of the State party's previous report in 1988 and the enormous tragedies which have since occurred in Rwanda, the report focuses primarily on the legislative and practical steps taken by the State party to eliminate institutionalized and other forms of racial discrimination, but contains little information on racially discriminatory acts which have been committed.

B. Factors and difficulties impeding implementation of the Convention

4. The Committee bears in mind the events of 1994 and thereafter, involving genocide and the massive loss of life, and recognizes the difficulty for the population of the State party to overcome this recent history. The Committee is aware that the genocide continues to affect most aspects of life in the State party. The Committee also recognizes the problems posed by the attacks of armed opposition groups from outside its territory since 1994.

5. The Committee further notes that State financial and material resources were reduced to a minimum by acts of destruction and theft during the armed conflicts in 1994. While noting the progress made by the State party in addressing some of the economic problems facing the country, in particular reducing the level of inflation, the Committee is aware that the continuing economic difficulties in the State party, its heavy dependence upon scarce international assistance, and the limited resources available to the State party are significant obstacles to the full implementation of the Convention in Rwanda.

C. Positive aspects

6. The Committee commends the State party for its significant progress in addressing institutional forms of discrimination. The Committee notes with satisfaction the establishment of an independent National Human Rights Commission with a mandate to monitor and promote respect for human rights and to monitor how State institutions with responsibility for the implementation and protection of human rights, including those covered by the Convention, are managed.

7. The Committee also notes the efforts made by the State party to remove all references to ethnic distinctions from official texts and speeches, as well as from identity cards. In addition, the Committee notes the State party's efforts to prevent impunity for perpetrators of genocide and other human rights violations and to bring those most responsible for such acts to justice. The Committee is encouraged by the State party's efforts to rehabilitate the judicial system, including through the training of judicial and law enforcement officials.

8. The Committee welcomes the efforts made by the State party to improve the economic and social rights of the people, notably through the provision of housing facilities.

9. The Committee commends the State party for its efforts to receive refugees from neighbouring countries.

D. Concerns and recommendations

10. The Committee remains concerned that impunity prevails, notably in some cases involving unlawful acts committed by members of the security forces. The Committee recommends to the State party to continue addressing impunity through the judicial process and urges the State party to make additional efforts to respond adequately to and prevent unlawful acts committed by members of the military or civilian authorities.

11. The Committee notes that given the nature of the recent genocide, the majority of the large number of imprisoned or detained persons belong to the Hutu ethnic group. The Committee expresses its concern over the poor conditions of detention and imprisonment and the mortality rate of detained and imprisoned persons. The Committee recommends that the State party continue its efforts to respect minimum standards of detention.

12. The Committee recognizes the difficulties faced by the State party in the administration of justice and acknowledges the State party's efforts to identify practical methods to strengthen judicial procedures, including through the use of customary law practices. It urges the State party to take further measures to reduce periods of pre-trial detention and to ensure that the right to equal treatment before the law, as defined in article 5 (a) of the Convention, is respected in national and customary judicial proceedings.

13. The Committee notes the State party's past efforts to introduce "screening" practices, such as the Commissions de Triage, as an additional means of providing an early release from detention of those persons against whom there is little recorded evidence of criminal offences. The Committee recommends to the State party to recommence such efforts and to ensure that the population in general is well informed of these procedures so that those persons who are released are able to reintegrate into their communities in safety. The Committee further recommends that amnesty should be extended to lesser offenders who confess their crimes.

14. The Committee notes with satisfaction that the State party has resumed its cooperation with the International Tribunal for Rwanda and recommends to the State party to assist and to cooperate fully with the Tribunal.

15. While noting that the State party's measures to relocate large groups of the population to semi-urban locations are intended to improve access to water, health and other services, the Committee is concerned about reports of forced relocations and that some relocated persons do not have access to adequate housing. The Committee recommends to the State party to ensure that all relocations are on a non-discriminatory basis and that relocated persons enjoy, without discrimination, the rights listed in article 5 of the Convention.

16. The Committee recognizes the State party's efforts to establish a specialized centre for juveniles accused of participating in the genocide, but remains concerned at the detrimental effect upon children of long periods of detention. While taking into consideration the very serious and tragic acts of which these juveniles are accused, the Committee nevertheless recommends that the State party make every effort to reintegrate such juveniles into the community as soon as is possible.

17. The Committee is concerned about recent reports on the setting up of village-based local defence forces, armed with firearms and machetes, receiving very limited training and which include among their recruits very young persons. The Committee recommends to the State party to avoid any action which might lead to new outbursts of ethnic violence, especially violence involving juveniles.

18. Recalling its decisions on Rwanda under its early warning and urgent action procedures, notably its decisions 5 (53) of 19 August 1998 and 3 (54) of 19 March 1999, the Committee is further concerned by reports of the intimidation of judicial authorities seeking to investigate and address human rights violations committed since 1994 against ethnic Hutus.

19. The Committee calls upon the State party to make additional efforts to investigate allegations of serious ethnic violence and humanitarian law violations that may have been committed and to address these acts through the judicial process, while maintaining full respect for the relevant human rights of accused and detained persons and ensuring that judicial officials are able to conduct their work free from intimidation or other pressure.

20. The State party is invited, in its next report, to provide further information on the following issues: (a) actions taken in respect of human rights to improve the mutual understanding of all members of the population; (b) further actions taken to address human rights violations stemming from discriminatory treatment; and (c) actions taken, and results achieved, by the National Human Rights Commission.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

22. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.

23. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

24. The Committee recommends that the State party's next periodic report, due on 16 May 2000, be an updating report and that it address the points raised in the present observations.